

REMARKS

The final Office Action mailed July 20, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 3-7, 10-16, 18-22 and 25-30 are now pending in this application. Claims 1, 3-16 and 18-30 stand rejected. Claims 8, 9, 23 and 24 have been cancelled. Claims 3, 5, 14, 18, 20-22 and 29 have been amended to correct minor informalities.

The rejection of Claims 10, 12, 25 and 27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,807,962 to Taplan et al. (hereinafter referred to as "Taplan '962") is respectfully traversed.

Taplan '962 describes a cook top plate (1) including a peripheral recess (7) that receives a component-part such as a metallic venting screen (24). A silicon mass layer 25 is also provided in and around the recess (7) at locations in which the venting screen (24) may contact the plate (1) and at locations in which fluid may enter the recess (7). Further, the venting screen (24) includes a flange (portion left of layer 25) that engages a bottom surface of the plate (1) to position the venting screen (24) in the recess (7) located in plate (1). Notably, the venting screen does not include a tab extending within a cavity that is defined by the venting screen (24) and engaging a top surface of a top face of a cooktop. Rather, the venting screen (24) includes an outwardly extending flange.

Claim 10 recites an air inlet system for a gas cooking apparatus having at least one gas burner and a burner box, the air inlet system including "a cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for the gas burner; and an elongated cover member attached to a top face of said cooktop and covering the at least one peripheral vent cut, said cover member having a surface with openings configured to allow outside air to enter the at least one peripheral vent cut through the cover member, and said cover member including a raised surface isolating said openings from spills on said cooktop, said raised surface defining an underlying cavity, said cover member comprising at least one tab extending within said

cavity to mount said cover member on said top face, and said tab engaging a top surface of said top face.”

Taplan ‘962 does not describe or suggest an air inlet system for a gas cooking appliance as recited in Claim 10. More specifically, Taplan ‘962 does not describe or suggest an air inlet assembly including an elongated cover member having a raised surface defining an underlying cavity and at least one tab extending within the cavity to mount a cover member on a top face of a cooktop in which the tab engages a top surface of the top face, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Taplan ‘962 describes the venting screen (24) including an outwardly extending flange (screen portion 24 left of layer 25) that extends external to and partially defines the venting screen cavity. Because the flange is external to and partially defines the venting screen cavity, Taplan ‘962 does not describe that the flange is positioned within the venting screen cavity. Accordingly, for at least the reasons set forth above, Claim 10 is submitted to be patentable over Taplan ‘962.

Claim 12 directly depends from independent Claim 10. When the recitations of Claim 12 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claim 12 likewise is patentable over Taplan ‘962.

Claim 25 recites a gas cooking apparatus including “at least one gas burner; a burner box for said at least one gas burner; a sealed cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for the gas burner; and an elongated cover member attached to a top face of said cooktop and covering the at least one peripheral vent cut, said cover member having a surface with openings configured to allow outside air to enter the at least one peripheral vent cut through the cover member, and said cover member including a raised surface isolating said openings from spills on said cooktop, said raised surface defining an underlying cavity, said cover member comprising at least one tab extending within said cavity to mount said cover member on said top face, and said tab engaging a top surface of said top face.”

Taplan '962 does not describe or suggest an air inlet system for a gas cooking appliance as recited in Claim 25. More specifically, Taplan '962 does not describe or suggest a gas cooking apparatus including an elongated cover member having a raised surface defining an underlying cavity and at least one tab extending within the cavity to mount a cover member on a top face of a cooktop in which the tab engages a top surface of the top face, as required by Applicants' claimed invention. Rather, in contrast to the present invention, Taplan '962 describes the venting screen (24) including an outwardly extending flange (screen portion 24 left of layer 25) that extends external to and partially defines the venting screen cavity. Because the flange is external to and partially defines the venting screen cavity, Taplan '962 does not describe that the flange is positioned within the venting screen cavity. Accordingly, for at least the reasons set forth above, Claim 25 is submitted to be patentable over Taplan '962.

Claim 27 directly depends from independent Claim 25. When the recitations of Claim 27 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claim 27 likewise is patentable over Taplan '962.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 10, 12, 25 and 27 be withdrawn.

The rejection of Claims 1, 3-11, 14-16, 18-26, 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,653,219 to Taplan et al. (hereinafter referred to as "Taplan '219") in view of U.S. Patent 5,808,278 to Moon et al. (hereinafter referred to as "Moon"), and further in view of Taplan '962 is respectfully traversed. The rejection is moot with respect to cancelled claims 8, 9, 23 and 24.

Taplan '219 describes a cooktop (1) including a cook plate (2) and an air-inlet device (15) attached to a bottom surface of the cook plate (2) to cover an internal opening/gap (8) provided in the cook plate (2). The air-inlet device (15) includes a curved channel (16) having a lateral outer opening (22) and an inner tube (24) having inner openings (26). The inner tube (24) is rotably journaled in the outer tube (16) so as to be rotatable between a first position and a second position. In the first position shown in Figure 6b, the openings (22)

and (26) are aligned so that air may flow in the direction of arrow (30). In the second position shown in Figure 6c, the openings (22) and (26) are not aligned to prevent air from passing therethrough.

In a different embodiment shown in Figure 1, Taplan '219 describes a cook plate (2) and an air-inlet device (9) attached to a bottom surface of the cook plate (2) to cover an opening/gap (8) disposed at a different cook plate portion than shown in Figures 6a-6c. At page 4 of the Office Action, the Examiner alleges that the air-inlet device (15) in Figures 6a-6c may be attached to the opening/gap (8) shown in Figure 1. However, Applicants respectfully disagree.

Although Taplan '219 describes that air vents may be located in various places, disposing air-inlet device (15) (shown in Figures 6a-6c) into the opening/gap (8) (shown in Figure 1A) would make the device (15) inoperable for its intended purpose. As shown in Figure 6a, Taplan '219 describes that the curved channel (16) includes two outwardly extending flanges that attach to two bottom cook plate attachment surfaces provided on both sides of the opening/gap (8) in the cook plate (2) so that the inner tube (24) may be rotatably journaled therein. Notably, the cook plate (2) shown in Figure 1 provides a bottom cook plate attachment surface located on only one side of the opening/gap (8). Therefore, the air-inlet device (15) shown in Figure 1 would not be able to attach to the two bottom cook plate attachment surfaces provided on both sides of an opening/gap as intended. As a result, the inner tube (24) would not be rotatably journaled in the curved channel (16) to control air flow as required.

Moon describes an electric range (10) including a cooktop surface (12) and an oven vent (28) located near a rear of the cooktop surface (12). However, Moon does not describe how the vent (28) is attached to the cooktop surface (12).

Taplan '962 has been described above.

Claim 1 recites an air inlet system for a gas cooking apparatus comprising at least one gas burner and a burner box, the air inlet system including "a cooktop configured to cover

said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for the gas burner, said at least one vent cut defining a recessed corner of said cooktop; and a vent trim attached to said cooktop and covering the vent cut, said vent trim comprising a surface with openings raised above a top surface of the cooktop, an attachment portion overlapping said top surface of the cooktop, and at least one clip overlapping a bottom surface of said cooktop, said vent trim surface defining an underlying cavity, ...”

Taplan ‘219, Moon, and Taplan ‘962 do not, alone or in combination, describe or suggest an air inlet system for a gas cooking appliance as recited in Claim 1. More specifically, Taplan ‘219, Moon, and Taplan ‘962 do not, alone or in combination, describe or suggest an air inlet assembly including a cooktop having at least one vent cut defining a recessed corner of the cooktop, and a vent trim comprising an attachment portion overlapping said top surface of the cooktop and at least one clip overlapping a bottom surface of said cooktop, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Taplan ‘219 merely describes peripheral or more centralized openings/gaps (8) defined in the cook plate (2), Moon merely describes a rear corner vent (28), and Taplan ‘962 describes a venting screen (24) including an outwardly extending flange contacting a bottom surface of a cooktop. Moreover, Taplan ‘219, Moon, and Taplan ‘962 merely describe vents including portions overlapping a single opposing surface (either top or bottom) of a cooktop. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Taplan ‘219 in view of Moon, and further in view of Taplan ‘962.

Claims 3-7, directly or indirectly, depend from independent Claim 1. When the recitations of Claims 3-7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3-7 likewise are patentable over Taplan ‘219 in view of Moon, and further in view of Taplan ‘962.

Claim 10 recites an air inlet system for a gas cooking apparatus having at least one gas burner and a burner box, the air inlet system including “a cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for the gas burner; and an elongated cover member attached to a

top face of said cooktop and covering the at least one peripheral vent cut, said cover member having a surface with openings configured to allow outside air to enter the at least one peripheral vent cut through the cover member, and said cover member including a raised surface isolating said openings from spills on said cooktop, said raised surface defining an underlying cavity, said cover member comprising at least one tab extending within said cavity to mount said cover member on said top face, and said tab engaging a top surface of said top face.”

Taplan ‘219, Moon, and Taplan ‘962 do not, alone or in combination, describe or suggest an air inlet system for a gas cooking appliance as recited in Claim 10. More specifically, Taplan ‘219, Moon, and Taplan ‘962 do not, alone or in combination, describe or suggest does not describe or suggest an air inlet assembly including an elongated cover member having a raised surface defining an underlying cavity and at least one tab extending within the cavity to mount a cover member on a top face of a cooktop in which the tab engages a top surface of the top face, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Taplan ‘219 merely describes peripheral or more centralized openings/gaps (8) defined in the cook plate (2), Moon merely describes a rear corner vent (28), and Taplan ‘962 describes the venting screen (24) including an outwardly extending flange (screen portion 24 left of layer 25) that extends external to and partially defines the venting screen cavity. Because the flange is external to and partially defines the venting screen cavity, Taplan ‘962 does not describe that the flange is positioned within the venting screen cavity. Accordingly, for at least the reasons set forth above, Claim 10 is submitted to be patentable over Taplan ‘219 in view of Moon, and further in view of Taplan ‘962.

Claims 11, 14 and 15, directly or indirectly, depend from independent Claim 10. When the recitations of Claims 11, 14 and 15 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claims 11, 14 and 15 likewise are patentable over Taplan ‘219 in view of Moon, and further in view of Taplan ‘962.

Claim 16 recites a gas cooking apparatus including “at least one gas burner; a burner box for said at least one gas burner; a cooktop configured to cover said burner box and

having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for said at least one gas burner, said at least one peripheral vent cut defining a recessed corner of said cooktop; and a vent trim attached to said cooktop and covering said at least one peripheral vent cut, said vent trim comprising a surface with openings raised above a top surface of the cooktop, an attachment portion overlapping said top surface of said cooktop, and at least one clip overlapping a bottom surface of said cooktop, said vent trim surface defining an underlying cavity, ...”

Taplan ‘219, Moon, and Taplan ‘962 do not, alone or in combination, describe or suggest a gas cooking appliance as recited in Claim 16. More specifically, none of Taplan ‘219, Moon, and Taplan ‘962 do not, alone or in combination, describe or suggest a gas cooking appliance including a cooktop having at least one peripheral vent cut defining a recessed corner of the cooktop, and a vent trim comprising an attachment portion overlapping said top surface of the cooktop and at least one clip overlapping a bottom surface of said cooktop, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Taplan ‘219 merely describes peripheral or more centralized openings/gaps (8) defined in the cook plate (2), Moon merely describes a rear corner vent (28), and Taplan ‘962 describes a venting screen (24) including an outwardly extending flange contacting a bottom surface of a cooktop. Moreover, Taplan ‘219, Moon, and Taplan ‘962 merely describe vents including portions overlapping a single opposing surface (either top or bottom) of a cooktop. Accordingly, for at least the reasons set forth above, Claim 16 is submitted to be patentable over Taplan ‘219 in view of Moon, and further in view of Taplan ‘962.

Claims 18-22, directly or indirectly, depend from independent Claim 16. When the recitations of Claims 18-22 are considered in combination with the recitations of Claim 16, Applicants submit that dependent Claims 18-22 likewise are patentable over Taplan ‘219 in view of Moon, and further in view of Taplan ‘962.

Claim 25 recites a gas cooking apparatus including “at least one gas burner; a burner box for said at least one gas burner; a sealed cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box to provide air for the gas burner; and an elongated cover member attached to a top face of said

cooktop and covering the at least one peripheral vent cut, said cover member having a surface with openings configured to allow outside air to enter the at least one peripheral vent cut through the cover member, and said cover member including a raised surface isolating said openings from spills on said cooktop, said raised surface defining an underlying cavity, said cover member comprising at least one tab extending within said cavity to mount said cover member on said top face, and said tab engaging a top surface of said top face.”

Taplan ‘219, Moon, and Taplan ‘962 do not, alone or in combination, describe or suggest a gas cooking appliance as recited in Claim 25. More specifically, Taplan ‘219, Moon, and Taplan ‘962 do not, alone or in combination, describe or suggest a gas cooking apparatus including an elongated cover member having a raised surface defining an underlying cavity and at least one tab extending within the cavity to mount a cover member on a top face of a cooktop in which the tab engages a top surface of the top face, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Taplan ‘219 merely describes peripheral or more centralized openings/gaps (8) defined in the cook plate (2), Moon merely describes a rear corner vent (28), and Taplan ‘962 describes the venting screen (24) including an outwardly extending flange (screen portion 24 left of layer 25) that extends external to and partially defines the venting screen cavity. Because the flange is external to and partially defines the venting screen cavity, Taplan ‘962 does not describe that the flange is positioned within the venting screen cavity. Accordingly, for at least the reasons set forth above, Claim 25 is submitted to be patentable over Taplan ‘219 in view of Moon, and further in view of Taplan ‘962.

Claims 26, 29 and 30, directly or indirectly, depend from independent Claim 25. When the recitations of Claims 26, 29 and 30 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 26, 29 and 30 likewise are patentable over Taplan ‘219 in view of Moon, and further in view of Taplan ‘962.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Taplan ‘219, Moon,

and Taplan '962, considered alone or in combination, describes or suggests the claimed combination. Further, in contrast to the Examiner's assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Taplan '219, Moon, and Taplan '962, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levensgood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.


For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 3-11, 14-16, 18-26, 29 and 30 be withdrawn.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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